

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOANNE CONWRIGHT,
Plaintiff,
v.
CITY OF OAKLAND, et al.,
Defendants.

NO. C09-2572 TEH

ORDER TO SHOW CAUSE AS
TO WHY CASE SHOULD NOT
BE DISMISSED AND
SANCTIONS SHOULD NOT BE
IMPOSED

Plaintiff has now twice failed to file an opposition or statement of non-opposition to Defendants' pending motion to dismiss. First, Plaintiff missed the original June 28, 2010 opposition filing deadline. Second, after this Court granted the parties' stipulation to continue the briefing and hearing schedule, Plaintiff missed the revised July 26, 2010 opposition filing deadline. In addition, Plaintiff has not filed any written response to the Court's June 30, 2010 order to show cause as to why sanctions should not be imposed for missing the June 28, 2010 deadline. Nor has the Court received any requests for further extensions of time.

Accordingly, with good cause appearing, IT IS HEREBY ORDERED that:

1. Plaintiff shall show cause as to why this case should not be dismissed for failure to prosecute. A written response to this order to show cause shall be filed on or before **August 6, 2010**. Failure to file a timely response shall result in dismissal of this case for failure to prosecute under Federal Rule of Civil Procedure 41(b).

24 2. Plaintiff's counsel shall show cause as to why she should not be sanctioned for her
25 repeated failure to comply with the orders and local rules of this Court. On or before
26 **August 6, 2010**, Plaintiff's counsel shall file a written response to this second order to show
27 cause. This order to show cause shall remain pending, and Plaintiff's counsel shall file a
28 written response, even if this case is dismissed. If the Court finds sanctions to be warranted

1 following review of Plaintiff's counsel's response, it will issue an order setting a show cause
2 hearing date.

3 IT IS FURTHER ORDERED that the August 16, 2010 hearing on Defendants' motion
4 to dismiss is VACATED. The Court will set a revised briefing and hearing schedule, if
5 necessary, after resolving whether this case should be dismissed for failure to prosecute.

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7 **IT IS SO ORDERED.**

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9 Dated: 07/27/10


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THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT